

Howard Holderness, CA Bar No. 169814  
MORGAN, LEWIS & BOCKIUS LLP  
1 Market Street, Spear Tower, 25th Floor  
San Francisco, CA 94105  
(415) 442-1000 (Telephone)  
(415) 442-1001 (Facsimile)

Charles L. Babcock, IV, TX Bar No. 01479500  
JACKSON WALKER L.L.P.  
1401 McKinney, Suite 1900  
Houston, Texas 77010

**(Application for Pro Hac Vice Admission Pending.)**  
(713) 752-4200 (Telephone)  
(713) 752-4221 (Facsimile)

George L. McWilliams  
LAW OFFICE OF GEORGE L. MCWILLIAMS, P.C.  
TX Bar No. 13877000; AR Bar No. 68078  
406 Walnut, P.O. Box 58  
Texarkana, ARK-TX 75504-0058  
**(Application for Pro Hac Vice Admission Pending.)**  
(903) 277-0098 (Telephone)  
(870) 773-2967 (Facsimile)

Attorneys for Movants  
RICHARD FRENKEL and CISCO SYSTEMS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ILLINOIS COMPUTER RESEARCH, LLC,  
Plaintiff and Counterclaim Defendant,

vs.

FISH & RICHARDSON P.C.,  
Defendant, Counterclaimant and Third  
Party Plaintiff,

vs.

SCOTT C. HARRIS,  
Third-Party Defendant and  
Counterclaimant

vs.

FISH & RICHARDSON P.C.,  
Defendant, Counterclaimant, Third  
Party Plaintiff and Counterclaim  
Defendant

Case No. CV 08-80075 Misc. JF/HRL

**AMENDED NOTICE OF RICHARD  
FRENKEL'S MOTION TO QUASH  
SUBPOENA AND FOR A  
PROTECTIVE ORDER AND CISCO  
SYSTEM INC.'S MOTION TO QUASH  
AND FOR A PROTECTIVE ORDER**

**NOTICE OF MOTION**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on June 17, 2008, at 10:00 a.m. or as soon thereafter as this case may be heard, in the courtroom of the Magistrate Judge Howard R. Lloyd, United States District Court, Northern District of California, located at 280 South 1st Street, San Jose, California, non-party Richard Frenkel ("Frenkel"), an employee of Cisco Systems, Inc. ("Cisco"), will move pursuant to Federal Rule of Civil Procedure 45 to quash the deposition subpoena served by Illinois Computer Research ("ICR") and Scott C. Harris ("Harris") on Frenkel in a case pending in federal court in Chicago (the "Chicago case") where Fish & Richardson ("Fish") is the defendant and counter-plaintiff, and for a protective order.

Additionally, non-party Cisco will move pursuant to Federal Rule of Civil Procedure 45 to quash the deposition subpoena served by ICR and Harris and for a protective order.

Frenkel's motion and Cisco's motion are based upon this notice of motion and the memorandum of points and authorities and supporting papers filed on April 7, 2008, in this matter.

Dated: April 11, 2008

MORGAN, LEWIS & BOCKIUS LLP

By   
Howard Holderness

Attorneys for Movants  
RICHARD FRENKEL  
CISCO SYSTEMS, INC.

Howard Holderness, State Bar No. 237923  
MORGAN, LEWIS & BOCKIUS LLP  
1 Market Street, Spear Tower, 25th Floor  
San Francisco, CA 94105  
Tel: 415.442.1000  
Fax: 415.442-1001

Charles L. Babcock, IV, TX Bar No. 01479500  
JACKSON WALKER L.L.P.  
1401 McKinney, Suite 1900  
Houston, Texas 77010  
**(Application for Pro Hac Vice Admission Pending.)**  
(713) 752-4200 (Telephone)  
(713) 752-4221 (Facsimile)

George L. McWilliams  
LAW OFFICE OF GEORGE L. MCWILLIAMS, P.C.  
TX Bar No. 13877000; AR Bar No. 68078  
406 Walnut, P.O. Box 58  
Texarkana, ARK-TX 75504-0058  
**(Application for Pro Hac Vice Admission Pending)**  
(903) 277-0098 (Telephone)  
(870) 773-2967 (Facsimile)

Attorneys for Movants  
RICHARD FRENKEL/CISCO SYSTEMS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ILLINOIS COMPUTER RESEARCH, LLC,

Plaintiff and Counterclaim Defendant,

vs.

FISH & RICHARDSON P.C.,

Defendant, Counterclaimant and Third Party  
Plaintiff,

vs.

SCOTT C. HARRIS,

Third Party Defendant and Counterclaimant,

vs.

FISH & RICHARDSON P.C.,,

Defendant, Counterclaimant, Third Party  
Plaintiff and Counterclaim Defendant.

Case No. CV 08-80075 Misc. JF/HRL

**PROOF OF SERVICE**

**CERTIFICATE OF SERVICE**

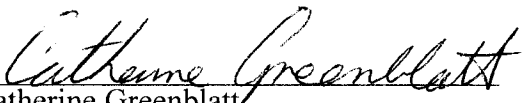
I am a resident of the State of California and over the age of eighteen years, and not a party to the within action. My business address is One Market St., Spear Tower, San Francisco, CA 94105.

On April 11, 2008 I served on the interested parties in said action the within document(s) as indicated on the attached service list:

**AMENDED NOTICE OF RICHARD FRENKEL'S MOTION TO QUASH  
SUBPOENA AND PROTECTIVE ORDER AND CISCO SYSTEM INC.'S  
MOTION TO QUASH AND FOR A PROTECTIVE ORDER**

- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth below.
- ☐ by transmitting **via facsimile** the document(s) listed above on this date.
- ☐ by causing the documents to be delivered by electronic mail addressed as set forth below.
- ☐ by causing the documents to be delivered by hand to the offices of the interested parties.

I declare under penalty of perjury, under the laws of the State of California, that the above is true and correct. Signed this 11th day of April, 2008, in San Francisco, California.

  
Catherine Greenblatt

**SERVICE LIST**

Raymond P. Niro  
Paul K. Vickrey  
Richard B. Megley, Jr.  
Karen L. Blouin  
Niro, Scavone, Haller & Niro  
181 West Madison, Suite 4600  
Chicago, IL 60602  
(312) 236-0733  
(312) 236-3137 - Facsimile

**Attorneys for Plaintiff, ILLINOIS  
COMPUTER RESEARCH, LLC and  
SCOTT C. HARRIS, Third Party  
Defendant**

David J. Bradford  
Terrence J. Truax  
Eric A. Sacks  
Daniel J. Weiss  
Jenner & Block, LLP  
330 North Wabash Avenue  
Chicago, IL 60611  
(312) 222-9350  
(312) 527-0484 – Facsimile

**Attorneys for FISH & RICHARDSON,  
P.C., Defendant**

Charles L. Babcock, IV  
Jackson Walker  
1401 McKinney, Suite 1900  
Houston, Texas 77010

**Attorneys for Movant CISCO SYSTEMS,  
INC.**

George L. McWilliams  
Law Offices of George L. McWilliams, P.C.  
406 Walnut, P.O. Box 58  
Texarkana, ARK 71854-5219

**Attorneys for Movant RICHARD  
FRENKEL**